

3/19/97 Referred now to W. & Meane

MAR 10 1997

APPROPRIATIONS

HOUSE FILE

531

BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 176)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the transportation of public and nonpublic
2 school students and other properly related matters.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 531

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1 Section 1. Section 279.48, subsection 2, Code 1997, is
2 amended to read as follows:

3 2. The total of scheduled annual payments of principal or
4 interest due and payable from current budgeted receipts or
5 future budgeted receipts with respect to all loan agreements
6 authorized under this section or section ~~285.10~~ 285.11,
7 subsection 7, paragraph "~~b~~" "d", must not exceed ten percent
8 of the last authorized budget of the school corporation.

9 Sec. 2. Section 282.18, subsection 10, Code 1997, is
10 amended to read as follows:

11 10. Notwithstanding section ~~285.1~~ 285.6 relating to
12 transportation of nonresident pupils, the parent or guardian
13 is responsible for transporting the pupil without
14 reimbursement to and from a point on a regular school bus
15 route of the receiving district. However, a receiving
16 district may send school vehicles into the district of
17 residence of the pupil using the open enrollment option under
18 this section, for the purpose of transporting the pupil to and
19 from school in the receiving district, if the boards of both
20 the sending and receiving districts agree to this arrangement.
21 If the pupil meets the economic eligibility requirements
22 established by the department and state board of education,
23 the sending district is responsible for providing
24 transportation or paying the pro rata cost of the
25 transportation to a parent or guardian for transporting the
26 pupil to and from a point on a regular school bus route of a
27 contiguous receiving district unless the cost of providing
28 transportation or the pro rata cost of the transportation to a
29 parent or guardian exceeds the average transportation cost per
30 pupil transported for the previous school year in the
31 district. If the cost exceeds the average transportation cost
32 per pupil transported for the previous school year, the
33 sending district shall only be responsible for that average
34 per pupil amount. A sending district which provides
35 transportation for a pupil to a contiguous receiving district

1 under this subsection may withhold from the district cost per
2 pupil amount, that is to be paid to the receiving district, an
3 amount which represents the average or pro rata cost per pupil
4 for transportation, whichever is less.

5 Sec. 3. Section 285.1, Code 1997, is amended by striking
6 the section and inserting in lieu thereof the following:

7 285.1 DEFINITIONS.

8 1. "Average cost per student transported" means the pro
9 rata cost of transporting a student for a school year, during
10 the school year only, to and from the school in which the
11 student is enrolled and calculated under section 285.8.

12 2. "Elementary school student" for purposes of this
13 chapter means a student enrolled in an accredited public or
14 nonpublic school, grades kindergarten through eight or nine as
15 determined by the board of directors of the public school
16 district or, in the case of nonpublic schools, by the
17 governing authority of the nonpublic school.

18 3. "High school student" for purposes of this chapter
19 means a student enrolled in an accredited public or nonpublic
20 school in grades nine or ten through twelve as determined by
21 the board of directors of the school district or, in the case
22 of nonpublic schools, by the governing authority of the
23 nonpublic school.

24 4. "Nonpublic school" means a nonpublic school accredited
25 by the department of education as provided in section 256.11
26 and nonpublic institutions that comply with state board of
27 education standards for providing special education programs.

28 5. "School or district board" means the board of directors
29 of a school district.

30 6. "School bus" means a school bus as defined in 321.1,
31 but shall not include a vehicle used for an approved driver
32 education course in which the driver education teacher
33 transports a driver education student from the student's
34 residence for the purpose of street or highway driving.

35 7. "School designated for attendance" means the accredited

1 school designated for attendance by the board of directors of
2 the school district, or in the case of a nonpublic school, by
3 the parent or guardian of a nonpublic school student.

4 8. "Prekindergarten student" means a student enrolled in a
5 prekindergarten program offered or sponsored by a school
6 district or nonpublic school and approved by the department of
7 education.

8 Sec. 4. Section 285.2, Code 1997, is amended by striking
9 the section and inserting in lieu thereof the following:

10 285.2 ENTITLEMENT TO SCHOOL TRANSPORTATION.

11 1. The board of directors of a school district shall
12 provide transportation, either directly or by reimbursement
13 for transportation in accordance with section 285.3, to and
14 from the designated school of attendance, at no cost to the
15 parent or guardian, for resident students attending public
16 school, kindergarten through twelfth grade, except that:

17 a. Elementary students are entitled to transportation only
18 if they live more than two miles from the school designated
19 for attendance.

20 b. High school students are entitled to transportation
21 only if they live more than three miles from the school
22 designated for attendance.

23 c. Students attending public school prekindergarten
24 programs offered or sponsored by the district and approved by
25 the department of education may be provided transportation
26 services as if they were public school elementary pupils.

27 2. Students attending prekindergarten programs offered or
28 sponsored by a nonpublic school may be transported to the
29 nonpublic school in the manner provided in this chapter, but
30 those students are not eligible for transportation
31 reimbursement under this chapter. The board of directors
32 transporting nonpublic school prekindergarten students shall
33 charge a fee for the transportation services as provided in
34 section 285.11, subsection 3, paragraph "d".

35 3. Distance to school or to a bus route, for the purpose

1 of determining entitlement to transportation services, shall
2 be measured on the public highway only and over the most
3 passable and safest highway route as determined by the
4 district's board, starting in the roadway opposite the private
5 entrance to the residence of the student and ending in the
6 roadway opposite an entrance to the school grounds of the
7 student's designated attendance center, except as provided in
8 subsection 4. Disputes over safety or entitlement may be
9 appealed to the area education agency board for resolution
10 pursuant to section 285.13.

11 4. A parent or guardian of a prekindergarten or elementary
12 student entitled to transportation may request that a child
13 day care facility, as defined in section 237A.1, be designated
14 as the student's residence for purposes of subsection 3 rather
15 than the actual residence of the student. The request shall
16 be submitted for a period of time of at least one semester and
17 shall not be submitted more than twice during a school year.
18 A board of directors providing transportation service to a
19 child day care facility located fewer than two miles from a
20 student's school designated for attendance may charge a fee
21 for the transportation in an amount not to exceed the
22 district's average cost per pupil transported calculated under
23 section 285.8.

24 5. Transportation for which the average cost per student
25 transported or other charge is collected shall not be provided
26 outside the state of Iowa except in accordance with rules
27 adopted by the department of education in accordance with
28 chapter 17A. The rules shall take into account any applicable
29 federal requirements.

30 Sec. 5. Section 285.3, Code 1997, is amended by striking
31 the section and inserting in lieu thereof the following:

32 285.3 TRANSPORTATION BY PARENTS.

33 1. Where unsatisfactory roads or other conditions make it
34 advisable, a district board in its discretion may require the
35 parent or guardian of a public or nonpublic school student to

1 furnish transportation for the student a distance of not to
2 exceed two miles to connect or meet with a school bus. The
3 parent or guardian shall be reimbursed for the transportation
4 by the board of the resident district at a rate based on the
5 current annual mileage rate allowance determined and approved
6 by the United States Internal Revenue Service in accordance
7 with 26 U.S.C. § 274(d), for allowable personal income tax
8 mileage expense. The mileage payment shall be based on miles
9 traveled one way, per day, per family when measured over the
10 public highway only for the distance from the student's
11 residence to the connection point on the bus route.

12 2. In a district where transportation by school bus is
13 impracticable or unavailable, or where necessary to implement
14 a whole grade sharing agreement under section 282.10, the
15 board may require parents or guardians to furnish
16 transportation for their children to the schools designated
17 for attendance. Except as provided in section 285.7, the
18 parent or guardian shall be reimbursed for the transportation
19 service for public and nonpublic school students by the board
20 of the resident district in an amount equal to eighty dollars
21 plus seventy-five percent of the difference between eighty
22 dollars and the previous school year's statewide average cost
23 per student transported, as determined by the department of
24 education. However, a parent or guardian shall not receive
25 reimbursement for furnishing transportation for more than
26 three family members who attend kindergarten or elementary
27 school and one family member who attends high school.

28 3. Notwithstanding subsections 1 and 2, a parent or
29 guardian may be required to provide transportation to the
30 connection point on a bus route without reimbursement if the
31 distance does not exceed three-fourths of a mile when measured
32 over the public roadway only.

33 Sec. 6. Section 285.4, Code 1997, is amended by striking
34 the section and inserting in lieu thereof the following:

35 285.4 DISTRICT ARRANGEMENTS FOR STUDENT TRANSPORTATION.

1 1. Where transportation by school bus is impracticable,
2 unavailable, or other existing conditions warrant it, the
3 school board may contract for use of common carriers according
4 to uniform standards established by the director of the
5 department of education and at a cost based upon the actual
6 cost of transportation service and approved by the school
7 board.

8 2. When a school board pays the costs for a student to
9 attend another district under a whole grade sharing agreement
10 pursuant to sections 282.10 through 282.12, the board of the
11 resident district shall provide transportation to and from the
12 school designated for attendance for the student. This
13 section does not apply to students attending school in another
14 district under open enrollment in section 282.18.

15 Sec. 7. Section 285.5, Code 1997, is amended by striking
16 the section and inserting in lieu thereof the following:

17 285.5 CONTRACTS FOR SCHOOL BUS SERVICE.

18 1. Contracts for school bus service with other school
19 districts, nonpublic schools, or private parties shall be in
20 writing and be for the transportation of children attending
21 public or nonpublic school. The contracts shall define the
22 route, duration of the agreement, service contracted for,
23 compensation to be paid, and the vehicle to be used. The
24 contract shall prescribe the duties of the contractor and
25 driver of the vehicles and shall provide that every person in
26 charge of a vehicle conveying children to and from school
27 shall be at all times subject to any rules the school board
28 shall adopt for the protection of the children or to govern
29 the conduct of the persons in charge of the vehicle.

30 2. A contract shall provide that the contractor will sell
31 the transportation equipment to the board should the
32 contractor desire to terminate the contract, provided that the
33 school board desires to purchase the equipment. The price of
34 the equipment sold to the school board shall be determined by
35 an appraisal board composed of one person appointed by the

1 school board, one appointed by the owner of the equipment, and
2 a third person selected by these two.

3 3. The contractor shall operate the vehicle or provide a
4 driver who must be approved by the board. The driver of a
5 vehicle shall be subject to all laws and prescribed standards
6 for school bus drivers. Failure to comply shall constitute
7 grounds for dismissal of the driver or cancellation of the
8 contract if the board so desires.

9 4. Vehicles of transportation provided by the contractor
10 shall be inspected, approved, and certified before being put
11 into operation in the manner provided in section 285.9,
12 subsection 5.

13 5. Contracts for transportation services may be made for a
14 period not to exceed three years. Contracts may be terminated
15 by either party on a ninety-day notice.

16 6. The director of the department of education shall
17 prepare a uniform contract, containing provisions not in
18 conflict with this chapter, which shall be used by all school
19 districts in contracting for transportation service. However,
20 a school board may add to the provisions of the uniform
21 contract.

22 7. All contractors providing school transportation service
23 shall carry liability insurance at least in amounts and kind
24 as provided in the uniform contract.

25 8. Private buses, other than common carriers not used
26 exclusively in transportation of students while under contract
27 to a school district, shall meet construction and operation
28 requirements for school-owned buses.

29 Sec. 8. Section 285.6, Code 1997, is amended by striking
30 the section and inserting in lieu thereof the following:

31 285.6 NONPUBLIC STUDENT TRANSPORTATION.

32 1. Resident students attending a nonpublic school located
33 either within or outside the school district of the student's
34 residence are entitled to transportation on the same basis as
35 provided for resident public school students under this

1 chapter. The public school district may meet the requirements
2 of this section by any of the following:

3 a. Providing transportation services in a school bus
4 operated by the district.

5 b. Contracting with a contiguous public school district, a
6 nonpublic school, or private parties as provided in section
7 285.5. However, contracts shall not provide payment in excess
8 of the average cost per student transported of the school
9 district for that school year.

10 c. Utilizing the parent transportation reimbursement in
11 the manner provided in section 285.3.

12 2. The public school district providing transportation to
13 a nonpublic school student shall determine the days on which
14 bus service is provided, based upon the days for which bus
15 service is provided to public school students. The public
16 school district shall determine bus schedules and routes.

17 3. If the nonpublic school designated for attendance is
18 located within the public school district in which the student
19 is a resident, the student shall be provided transportation in
20 accordance with this section.

21 4. If the nonpublic school designated for attendance is
22 located in a contiguous public school district outside the
23 boundary line of the school district of the student's
24 residence, one of the following may occur:

25 a. The resident district may provide, in district
26 vehicles, transportation from the nonpublic school student's
27 residence to the nonpublic school designated for attendance in
28 the contiguous district.

29 b. A contiguous district may provide transportation
30 service from the nonpublic student's residence, or from a
31 designated point within the boundary of the transporting
32 district, to the designated nonpublic school. The board of
33 the contiguous district providing the transportation shall
34 provide written notice to the nonpublic school student's
35 district of residence, that it is providing the transportation

1 service and it is making the claim for reimbursement for the
2 nonpublic school student's transportation under section 285.7.
3 Transportation by the board of the contiguous district
4 relieves the resident district of any requirement to provide
5 transportation services.

6 c. Transportation outside the boundary of the resident
7 district shall be approved by the area education agency in
8 accordance with section 285.10, subsection 3.

9 5. If the nonpublic school designated for attendance is
10 located in a district that is not contiguous to the resident
11 district, the parent transportation reimbursement provided for
12 in section 285.3, subsection 2, is the only transportation
13 option available to the resident district.

14 Sec. 9. NEW SECTION. 285.7 SUBMISSION AND PAYMENT OF
15 CLAIMS FOR NONPUBLIC STUDENT TRANSPORTATION.

16 1. Boards of directors of school districts are required to
17 provide transportation services to nonpublic school students
18 as provided in section 285.6 when the general assembly
19 appropriates funds to the department of education for the
20 payment of claims for transportation costs submitted by the
21 school districts.

22 2. There is appropriated from the general fund of the
23 state to the department of education funds sufficient to pay
24 the approved claims of public school districts for
25 transportation services to nonpublic school students as
26 provided in this section. The amount paid for an approved
27 claim, based upon the moneys appropriated for approved claims,
28 shall be determined under section 285.3, subsection 2.

29 3. The costs of providing transportation to nonpublic
30 school students as provided in section 285.6 shall not be
31 included in the computation of district cost under chapter
32 257, but shall be shown in the budget as an expense from
33 miscellaneous income. Transportation reimbursements received
34 by a school district for transporting nonpublic school
35 students shall not affect district cost limitations of chapter

1 257. The reimbursements provided in this section are
2 miscellaneous income as defined in section 257.2.

3 4. a. The board of the public school district providing
4 transportation to nonpublic students or transportation
5 reimbursement to parents of nonpublic school students during a
6 school year shall make a claim for reimbursement to the
7 department of education on a form prescribed by the
8 department, and the claim shall state the services provided
9 and the actual costs incurred. A claim for a student shall
10 not exceed the average cost per student transported of the
11 resident district for the school year in which the
12 transportation is provided except as otherwise provided in
13 this section.

14 b. School boards shall submit claims for reimbursement to
15 the department of education by January 31 and July 15 of each
16 school year, accompanied by an affidavit of an officer of the
17 public school district affirming the accuracy of the claim.
18 The department of education shall certify to the department of
19 revenue and finance the amounts of approved claims to be paid,
20 and the department of revenue and finance shall draw warrants
21 payable to school districts that have established claims.

22 5. a. A parent or legal guardian of a student attending
23 an accredited nonpublic school, who furnishes transportation
24 for the student pursuant to section 285.3 and meets the
25 requirements of paragraph "b", is entitled to reimbursement
26 equal to an amount calculated under the provisions of section
27 285.3, subsection 2. In addition, parents or guardians who
28 transport one or more family members more than four miles to
29 their nonpublic schools of attendance shall be entitled to one
30 supplemental mileage payment per family, per claim period,
31 equal to fifteen percent of the parental reimbursement amount,
32 rounded to the nearest whole dollar, when calculated under the
33 provisions of section 285.3, subsection 2.

34 b. To qualify for parental reimbursement under paragraph
35 "a", a parent or guardian of a student attending a nonpublic

1 school, who furnishes transportation for the student pursuant
2 to section 285.3, shall submit a claim for reimbursement to
3 the resident public school district, on a form prescribed by
4 the department, notifying the district that the student is
5 enrolled and attending a nonpublic school. Claims for
6 reimbursement shall be filed with the district by December 1
7 and May 1 annually and shall include the name, age, and grade
8 level of the student, and the name of the nonpublic school and
9 its location. The district shall submit claims for
10 reimbursement to the department of education on behalf of the
11 parent or guardian if the parent or guardian meets the
12 requirements of this section.

13 Sec. 10. Section 285.8, Code 1997, is amended by striking
14 the section and inserting in lieu thereof the following:

15 285.8 AVERAGE COST PER STUDENT TRANSPORTED -- CALCULATION.

16 The average cost per student transported for a school year
17 shall be determined by calculating the actual cost for all
18 children transported in the state in public school buses for
19 that school year. It shall include one-seventh of the
20 original net cost of the bus and other items, as determined
21 and approved by the director of the department of education,
22 but no part of the capital outlay cost for school buses and
23 transportation equipment for which the school district is
24 reimbursed from state funds or that portion of the cost of the
25 operation of a school bus used in transporting students to and
26 from extracurricular activities shall be included in
27 determining the average cost per student transported.

28 Sec. 11. Section 285.9, Code 1997, is amended by striking
29 the section and inserting in lieu thereof the following:

30 285.9 POWERS AND DUTIES OF THE DEPARTMENT OF EDUCATION.

31 The department shall:

32 1. Employ the necessary qualified personnel to implement
33 this chapter. The appropriation provided by this chapter may
34 be expended in part for salaries and necessary traveling
35 expenses incurred by personnel in the performance of their

- 1 official duties pursuant to this chapter.
- 2 2. Exercise general supervision over the school
3 transportation system in the state.
- 4 3. Establish uniform standards and rules for the
5 administration of this chapter, including:
- 6 a. Protection of the health and safety of the students
7 transported.
- 8 b. Efficient operation and maintenance of school
9 transportation vehicles.
- 10 c. Minimum construction standards for school
11 transportation vehicles.
- 12 d. Procedures for purchase of school transportation
13 vehicles.
- 14 e. Locating, establishing, and operating school bus
15 routes.
- 16 f. Procedures for transporting persons other than
17 students.
- 18 g. Qualifications of school bus drivers, including, but
19 not limited to, a requirement that school bus drivers present
20 an annual certificate of physical fitness before being
21 permitted to operate a vehicle transporting children to and
22 from school.
- 23 4. Review and establish the locations of bus routes
24 located in more than one area education agency when the area
25 education agency boards of the affected area education
26 agencies after formal action do not reach an agreement.
- 27 5. Inspect or cause to be inspected annually, in
28 accordance with rules established by the department, vehicles
29 used as school buses to determine if the vehicles meet legal
30 and established standards of construction and can be operated
31 with safety, comfort, and economy. When it is determined that
32 use of a vehicle is dangerous to the students transported and
33 to the safety and welfare of the traveling public, the
34 department of education shall order the vehicle to be
35 withdrawn from further use on a specified date. School buses

1 that do not conform to the requirements of the department of
2 education may be issued temporary certificates of operation by
3 the department if the school buses can be operated safely and
4 if the certificate is issued for a period of not more than one
5 year. Equipment may be required to be altered, or safety
6 equipment added, in order to make vehicles reasonably safe for
7 operation. New school buses shall, after initial inspection
8 and approval, be issued an original seal of inspection, which
9 shall be placed in the lower right hand corner of the
10 windshield and shall remain in that position throughout the
11 service life of the bus. In addition, after each inspection,
12 an annual seal of inspection and approval shall be issued and
13 also placed in the lower right hand corner of the windshield
14 of the bus.

15 6. Aid in the enforcement of the motor vehicle laws
16 relating to the transportation of school children.

17 7. Review transportation arrangements pursuant to law and
18 disapprove any arrangements which are not in conformity with
19 the law and established standards, and require that
20 transportation arrangements be brought into conformity.

21 8. Conduct schools of instruction for transportation
22 personnel as needed or requested.

23 Sec. 12. Section 285.10, Code 1997, is amended by striking
24 the section and inserting in lieu thereof the following:

25 285.10 POWERS AND DUTIES OF AREA EDUCATION AGENCY BOARDS.

26 The area education agency boards shall:

27 1. Assist in the enforcement of laws and rules of the
28 department of education relating to transportation.

29 2. Review and approve transportation arrangements between
30 districts in the agency. If transportation arrangements,
31 designations, and contracts are not in conformity to law or
32 established uniform standards for the locating and operating
33 of bus routes, the agency board shall, after receiving all
34 facts, make such alterations or changes as necessary to make
35 the arrangements, designations, and contracts conform to the

1 legal and established requirements and shall notify the
2 affected district board of any action.

3 3. Approve bus routes outside the boundary of the school
4 district operating buses.

5 4. When a school board fails to make designations and
6 other necessary arrangements for transportation as required by
7 law, and after due notice to the school board, make necessary
8 arrangements in conformity with law and established
9 requirements. Notice shall be given to the school board of
10 the arrangements made. The arrangements shall be binding on
11 the school board, which shall pay the costs for service as
12 arranged.

13 Sec. 13. Section 285.11, Code 1997, is amended by striking
14 the section and inserting in lieu thereof the following:

15 285.11 POWERS AND DUTIES OF SCHOOL BOARDS.

16 The board of directors of a district shall:

17 1. Provide transportation for each resident student who
18 attends public or nonpublic school and is entitled to
19 transportation under this chapter.

20 2. Establish, maintain, and operate bus routes for the
21 transportation of students to provide for economical and
22 efficient operation without duplication of facilities, and
23 properly safeguard the health and safety of the students
24 transported.

25 3. Notwithstanding subsection 1, school boards in their
26 discretion may do the following:

27 a. Provide transportation for some or all resident
28 students attending public school or nonpublic schools who are
29 not entitled to transportation.

30 b. Charge a fee of not more than the district's average
31 cost per student transported for the school year in which the
32 transportation is provided for each student transported under
33 paragraph "a" for the year in which transportation is provided
34 under this subsection.

35 c. Transport nonresident students attending public or

1 nonpublic school who are not entitled to free transportation
2 if the school board collects a fee equal to the district's
3 average cost per student transported.

4 d. Transport senior citizens, children, persons with
5 disabilities, and other persons and groups who are not
6 otherwise entitled to free transportation. However, the board
7 shall collect the actual cost of the transportation provided
8 under this paragraph. Transportation under this paragraph
9 shall not be provided when the school bus is being used to
10 transport students to or from school unless the board
11 determines that such transportation is desirable and will not
12 interfere with or delay the transportation of students.

13 e. Furnish a school bus and the services of a qualified
14 driver to the following:

15 (1) An organization of, or an organization sponsoring
16 activities for, senior citizens, children, persons with
17 disabilities, or other persons and groups in this state.

18 (2) Persons other than students, for transportation to
19 activities in which students from the school district are
20 participants, or are attending, and for which the school
21 district is a sponsor.

22 (3) The board shall charge and collect an amount
23 sufficient to reimburse all costs of transportation provided
24 to persons or groups under this paragraph except when the bus
25 is used for transporting students to and from extracurricular
26 activities sponsored by the school. A school bus shall be
27 used as provided in this subsection only at times when it is
28 not needed for transportation of students.

29 4. Purchase liability insurance and other insurance
30 coverage the board deems advisable to insure the school
31 district, its officers, employees, and agents against
32 liability incurred as a result of operating school buses,
33 including but not limited to liability to students or other
34 persons lawfully transported. Section 670.7 shall apply to
35 the insurance.

1 5. Employ drivers and other employees as necessary,
2 prescribe their qualifications, and adopt rules for their
3 conduct.

4 6. Purchase, or lease, and maintain transportation
5 facilities.

6 7. Purchase or lease school buses as follows:

7 a. Prepare separate body and chassis specifications except
8 when the bus is constructed as an integral unit, inseparable
9 as to body and chassis, by the manufacturer, or when the bus
10 is a used or demonstrator bus.

11 b. Request competitive bids on comparable equipment on
12 school bus body and chassis purchases based upon minimum
13 construction standards established by the department of
14 education. Separate body and chassis bids shall be requested
15 unless the bus is constructed as an integral unit, inseparable
16 as to body and chassis, by the manufacturer, or when the bus
17 is a used or demonstrator bus.

18 c. Pay for buses from funds available in the school's
19 general operating fund or physical plant and equipment fund.

20 d. Enter into a contract to pay for buses over a five-year
21 period as follows: one-fifth of the cost when the bus is
22 delivered and the balance in equal annual installments, plus
23 simple interest due. The interest rate shall be the lowest
24 rate available and shall not exceed the rate in effect under
25 section 74A.2. The bus shall serve as security for balance
26 due.

27 8. Suspend transportation service due to weather or road
28 conditions. Transportation service may be suspended on a day
29 or days, due to inclemency of the weather, conditions of
30 roads, or the existence of other conditions, when in the
31 school board's judgment it is deemed advisable and when the
32 school or schools are closed to all children.

33 9. Except for teachers under contract with the school
34 board, establish employment contracts with bus drivers,
35 including temporary or substitute drivers, for school-owned

1 equipment. The director of the department of education shall
2 prepare a uniform contract containing provisions not in
3 conflict with this chapter which shall be used by all school
4 boards in contracting with drivers of school-owned vehicles.
5 Additional contract provisions may be included as determined
6 by the board of directors.

7 Sec. 14. Section 285.12, Code 1997, is amended by striking
8 the section and inserting in lieu thereof the following:

9 285.12 BUS ROUTES -- BASIS OF OPERATION.

10 The establishment and operation of bus routes and the
11 contracts for transportation shall be based upon the following
12 considerations:

13 1. Each bus route shall be planned and adjusted to
14 utilize, as well as can reasonably be expected, the normal
15 seating capacity of each bus. Districts are not required to
16 maintain seating space on school buses for students who do not
17 or will not regularly utilize the district's transportation
18 service for extended periods during the school year. The
19 student, or the student's parent or legal guardian if the
20 student is less than eighteen years of age, shall be notified
21 by the board of the district before transportation services
22 are suspended, and the suspension may continue until the
23 student, or the student's parent or legal guardian, notifies
24 the district that regular student ridership will continue.

25 2. Each board shall cause each bus route to be reviewed
26 annually for safety hazards.

27 3. Bus routes shall be established only to give service to
28 properly entitled or designated students.

29 4. Each bus route shall serve only those students living
30 in those areas where transportation by bus is the most
31 economical method for providing adequate transportation
32 facilities to properly designated students.

33 5. Special contracts for transportation of students
34 entitled to transportation shall be entered into only when it
35 is more economical to do so than to provide transportation by

1 regular bus route, or when, by reason of physical or mental
2 disability of a student, the student cannot be transported
3 safely by bus.

4 6. A route shall not be extended for the purpose of
5 accommodating students whose homes are nearer another bus
6 route.

7 7. A bus shall not leave the public highway for the
8 purpose of receiving or discharging students, unless the
9 students' safety is enhanced or the private roadway is
10 maintained in the same manner as a public roadway.

11 8. The use of school buses is restricted to the following:

12 a. Transporting students to and from school.

13 b. Transportation to and from extracurricular activities
14 sponsored by the school when the activity is under the
15 direction of a qualified member of the faculty and a part of
16 the regular school program.

17 c. Transportation of other persons to the extent permitted
18 by section 285.11, subsection 3.

19 d. Transporting school employees to and from school and
20 approved activities they are required to attend as a result of
21 their responsibilities.

22 e. Transporting a school teacher to and from the teacher's
23 school when the school is on an established school bus route
24 and the teacher makes arrangements with the district operating
25 the school bus.

26 Sec. 15. Section 285.13, Code 1997, is amended by striking
27 the section and inserting in lieu thereof the following:

28 285.13 DISPUTES -- HEARINGS AND APPEALS.

29 1. If there is a disagreement between a school patron and
30 the board of the school district, the patron, if dissatisfied
31 with the decision of the district board, may appeal the
32 decision to the area education agency board, notifying the
33 secretary of the district in writing within ten days of the
34 decision of the board and by filing an affidavit of appeal
35 with the agency board within the ten-day period. The

1 affidavit of appeal shall include the reasons for the appeal
2 and points at issue.

3 2. On receiving notice of appeal, the secretary of the
4 district shall certify all related exhibits and documents to
5 the agency board, which shall hear the appeal within ten days
6 of the receipt of the related exhibits and documents and
7 decide it within three days of the conclusion of the hearing
8 and shall immediately notify all parties of its decision.

9 3. Either party may appeal the decision of the agency
10 board to the state board of education as provided by section
11 290.1. Pending final order made by the state board, upon any
12 appeal prosecuted to the state board, the order of the agency
13 board from which the appeal is taken shall be operative and be
14 in full force and effect.

15 Sec. 16. Section 285.14, Code 1997, is amended by striking
16 the section and inserting in lieu thereof the following:

17 285.14 DISAGREEMENTS BETWEEN BOARDS.

18 If there is a disagreement between the board of a school
19 district and the board of an area education agency, the board
20 of the school district may appeal to the state board of
21 education as provided by 290.1.

22 Sec. 17. Section 285.15, Code 1997, is amended by striking
23 the section and inserting in lieu thereof the following:

24 285.15 NONSTANDARD BUSES -- PENALTIES.

25 A person who operates or permits the operation of a vehicle
26 as a school bus to transport students, that does not comply
27 with the requirements of law or with the rules of the
28 department of education, or for which there is not a valid
29 temporary certificate for operation, is guilty of a simple
30 misdemeanor.

31 Sec. 18. Section 285.16, Code 1997, is amended by striking
32 the section and inserting in lieu thereof the following:

33 285.16 FAILURE TO COMPLY WITH CHAPTER -- PENALTIES.

34 Failure of a school district to comply with the provisions
35 of this chapter, or any other laws relating to the

1 transportation of students, or any rules made by the
2 department of education under this chapter, or the final
3 decisions of the area education agency board, or the final
4 decisions of the department of education, shall, during the
5 period the failure to comply exists, forfeit any entitlement
6 to collect transportation costs from schools or parents. A
7 superintendent, board, or board member who knowingly operates
8 or permits to be operated a school bus transporting public
9 school students in violation of a school transportation law is
10 guilty of a simple misdemeanor.

11 Sec. 19. Section 321.18, subsection 7, Code 1997, is
12 amended to read as follows:

13 7. Any school bus in this state used exclusively for the
14 transportation of pupils to and from school or a school
15 function or for the purposes provided in section ~~285.17~~,
16 ~~subsection 17~~, 285.2 and section ~~285.10~~ 285.11, subsection 9 3,
17 or used exclusively for the transportation of children
18 enrolled in a federal head start program. Upon application
19 the department shall, without charge, issue a registration
20 certificate and shall also issue registration plates which
21 shall have imprinted thereon the words "Private School Bus"
22 and a distinguishing number assigned to the applicant. Such
23 plates shall be attached to the front and rear of each bus
24 exempt from registration under this subsection.

25 Sec. 20. Section 331.502, subsection 22, Code 1997, is
26 amended by striking the subsection.

27 EXPLANATION

28 This bill rewrites the school transportation chapter of the
29 Iowa Code. The bill updates language and reorganizes current
30 Code provisions and sections in chapter 285, but with few
31 exceptions, makes no substantive changes in the current
32 provisions and sections of chapter 285.

33 279.48(2), 282.18(10), and 321.18(7): Make conforming Code
34 references changes.

35 285.1: Adds definitions to the chapter, including "average

1 cost per student transported", which replaces the term "pro
2 rata cost". The bill omits a provision relating to a district
3 operating transportation equipment when the district closes
4 elementary and high school facilities. The bill also omits a
5 provision relating to the failure of a district to pay another
6 district for services. Provision is made in the chapter for
7 dispute resolution.

8 285.3: Changes the rate of reimbursement for
9 transportation provided by parents to meet a bus on the route
10 to a rate based upon the annual optional standard mileage rate
11 approved by the United States Internal Revenue Service for the
12 allowable personal income tax mileage expense determined in
13 accordance with 26 U.S.C. § 274(d), which for 1997 is 31.5
14 cents per mile.

15 285.7: Changes the formula for calculating a supplemental
16 payment for a parent or guardian transporting a student more
17 than four miles to a nonpublic school. Currently, section
18 285.3 provides a formula based upon all of the base payments
19 made to parents or guardians of nonpublic school students
20 under section 285.3 and section 285.1, subsection 3. The bill
21 provides that a parent or guardian is entitled to a
22 supplemental payment equal to 15 percent of the parent or
23 guardian's base reimbursement amount. The section also
24 requires parents or guardians to submit claims for
25 reimbursement to a school district by December 1 and May 1,
26 and requires the school districts to submit the claims to the
27 department by January 31 and July 15. A deadline by which the
28 department is required to certify the amount of the claims to
29 the department of revenue and finance is removed.

30 285.8: Establishes the means for calculating the average
31 cost per student transported, and omits current Code language
32 that allows a district in unusual circumstances to charge in
33 excess of the actual operating cost of a bus route used to
34 furnish transportation to nonresident students.

35 285.9: Directs the department of education to carry out

1 the provisions of chapter 285 relating to the transportation
2 of nonpublic school students.

3 331.502(22): Strikes a provision ordering the treasurer of
4 state to transfer transportation service fees from a debtor
5 school to a creditor school.

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H3B 176

EDUCATION

Succeeded By

SENATE/HOUSE FILE

(HF) 531

BY (PROPOSED DEPARTMENT OF

EDUCATION BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the transportation of public and nonpublic
2 school students and other properly related matters.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 279.48, subsection 2, Code 1997, is
2 amended to read as follows:

3 2. The total of scheduled annual payments of principal or
4 interest due and payable from current budgeted receipts or
5 future budgeted receipts with respect to all loan agreements
6 authorized under this section or section ~~285.10~~ 285.11,
7 subsection 7, paragraph "b" "d", must not exceed ten percent
8 of the last authorized budget of the school corporation.

9 Sec. 2. Section 282.18, subsection 10, Code 1997, is
10 amended to read as follows:

11 10. Notwithstanding section ~~285.1~~ 285.6 relating to
12 transportation of nonresident pupils, the parent or guardian
13 is responsible for transporting the pupil without
14 reimbursement to and from a point on a regular school bus
15 route of the receiving district. However, a receiving
16 district may send school vehicles into the district of
17 residence of the pupil using the open enrollment option under
18 this section, for the purpose of transporting the pupil to and
19 from school in the receiving district, if the boards of both
20 the sending and receiving districts agree to this arrangement.
21 If the pupil meets the economic eligibility requirements
22 established by the department and state board of education,
23 the sending district is responsible for providing
24 transportation or paying the pro rata cost of the
25 transportation to a parent or guardian for transporting the
26 pupil to and from a point on a regular school bus route of a
27 contiguous receiving district unless the cost of providing
28 transportation or the pro rata cost of the transportation to a
29 parent or guardian exceeds the average transportation cost per
30 pupil transported for the previous school year in the
31 district. If the cost exceeds the average transportation cost
32 per pupil transported for the previous school year, the
33 sending district shall only be responsible for that average
34 per pupil amount. A sending district which provides
35 transportation for a pupil to a contiguous receiving district

1 under this subsection may withhold from the district cost per
2 pupil amount, that is to be paid to the receiving district, an
3 amount which represents the average or pro rata cost per pupil
4 for transportation, whichever is less.

5 Sec. 3. Section 285.1, Code 1997, is amended by striking
6 the section and inserting in lieu thereof the following:

7 285.1 DEFINITIONS.

8 1. "Average cost per student transported" means the pro
9 rata cost of transporting a student for a school year, during
10 the school year only, to and from the school in which the
11 student is enrolled and calculated under section 285.8.

12 2. "Elementary school student" for purposes of this
13 chapter means a student enrolled in an accredited public or
14 nonpublic school, grades kindergarten through eight or nine as
15 determined by the board of directors of the public school
16 district or, in the case of nonpublic schools, by the
17 governing authority of the nonpublic school.

18 3. "High school student" for purposes of this chapter
19 means a student enrolled in an accredited public or nonpublic
20 school in grades nine or ten through twelve as determined by
21 the board of directors of the school district or, in the case
22 of nonpublic schools, by the governing authority of the
23 nonpublic school.

24 4. "Nonpublic school" means a nonpublic school accredited
25 by the department of education as provided in section 256.11
26 and nonpublic institutions that comply with state board of
27 education standards for providing special education programs.

28 5. "School or district board" means the board of directors
29 of a school district.

30 6. "School bus" means a school bus as defined in 321.1,
31 but shall not include a vehicle used for an approved driver
32 education course in which the driver education teacher
33 transports a driver education student from the student's
34 residence for the purpose of street or highway driving.

35 7. "School designated for attendance" means the accredited

1 school designated for attendance by the board of directors of
2 the school district, or in the case of a nonpublic school, by
3 the parent or guardian of a nonpublic school student.

4 8. "Prekindergarten student" means a student enrolled in a
5 prekindergarten program offered or sponsored by a school
6 district or nonpublic school and approved by the department of
7 education.

8 Sec. 4. Section 285.2, Code 1997, is amended by striking
9 the section and inserting in lieu thereof the following:

10 285.2 ENTITLEMENT TO SCHOOL TRANSPORTATION.

11 1. The board of directors of a school district shall
12 provide transportation, either directly or by reimbursement
13 for transportation in accordance with section 285.3, to and
14 from the designated school of attendance, at no cost to the
15 parent or guardian, for resident students attending public
16 school, kindergarten through twelfth grade, except that:

17 a. Elementary students are entitled to transportation only
18 if they live more than two miles from the school designated
19 for attendance.

20 b. High school students are entitled to transportation
21 only if they live more than three miles from the school
22 designated for attendance.

23 c. Students attending public school prekindergarten
24 programs offered or sponsored by the district and approved by
25 the department of education may be provided transportation
26 services as if they were public school elementary pupils.

27 2. Students attending prekindergarten programs offered or
28 sponsored by a nonpublic school may be transported to the
29 nonpublic school in the manner provided in this chapter, but
30 those students are not eligible for transportation
31 reimbursement under this chapter. The board of directors
32 transporting nonpublic school prekindergarten students shall
33 charge a fee for the transportation services as provided in
34 section 285.11, subsection 3, paragraph "d".

35 3. Distance to school or to a bus route, for the purpose

1 of determining entitlement to transportation services, shall
2 be measured on the public highway only and over the most
3 passable and safest highway route as determined by the
4 district's board, starting in the roadway opposite the private
5 entrance to the residence of the student and ending in the
6 roadway opposite an entrance to the school grounds of the
7 student's designated attendance center, except as provided in
8 subsection 4. Disputes over safety or entitlement may be
9 appealed to the area education agency board for resolution
10 pursuant to section 285.13.

11 4. A parent or guardian of a prekindergarten or elementary
12 student entitled to transportation may request that a child
13 day care facility, as defined in section 237A.1, be designated
14 as the student's residence for purposes of subsection 3 rather
15 than the actual residence of the student. The request shall
16 be submitted for a period of time of at least one semester and
17 shall not be submitted more than twice during a school year.
18 A board of directors providing transportation service to a
19 child day care facility located fewer than two miles from a
20 student's school designated for attendance may charge a fee
21 for the transportation in an amount not to exceed the
22 district's average cost per pupil transported calculated under
23 section 285.8.

24 5. Transportation for which the average cost per student
25 transported or other charge is collected shall not be provided
26 outside the state of Iowa except in accordance with rules
27 adopted by the department of education in accordance with
28 chapter 17A. The rules shall take into account any applicable
29 federal requirements.

30 Sec. 5. Section 285.3, Code 1997, is amended by striking
31 the section and inserting in lieu thereof the following:

32 285.3 TRANSPORTATION BY PARENTS.

33 1. Where unsatisfactory roads or other conditions make it
34 advisable, a district board in its discretion may require the
35 parent or guardian of a public or nonpublic school student to

1 furnish transportation for the student a distance of not to
2 exceed two miles to connect or meet with a school bus. The
3 parent or guardian shall be reimbursed for the transportation
4 by the board of the resident district at a rate based on the
5 current annual mileage rate allowance determined and approved
6 by the United States Internal Revenue Service in accordance
7 with 26 U.S.C. § 274(d), for allowable personal income tax
8 mileage expense. The mileage payment shall be based on miles
9 traveled one way, per day, per family when measured over the
10 public highway only for the distance from the student's
11 residence to the connection point on the bus route.

12 2. In a district where transportation by school bus is
13 impracticable or unavailable, or where necessary to implement
14 a whole grade sharing agreement under section 282.10, the
15 board may require parents or guardians to furnish
16 transportation for their children to the schools designated
17 for attendance. Except as provided in section 285.7, the
18 parent or guardian shall be reimbursed for the transportation
19 service for public and nonpublic school students by the board
20 of the resident district in an amount equal to eighty dollars
21 plus seventy-five percent of the difference between eighty
22 dollars and the previous school year's statewide average cost
23 per student transported, as determined by the department of
24 education. However, a parent or guardian shall not receive
25 reimbursement for furnishing transportation for more than
26 three family members who attend kindergarten or elementary
27 school and one family member who attends high school.

28 3. Notwithstanding subsections 1 and 2, a parent or
29 guardian may be required to provide transportation to the
30 connection point on a bus route without reimbursement if the
31 distance does not exceed three-fourths of a mile when measured
32 over the public roadway only.

33 Sec. 6. Section 285.4, Code 1997, is amended by striking
34 the section and inserting in lieu thereof the following:

35 285.4 DISTRICT ARRANGEMENTS FOR STUDENT TRANSPORTATION.

1 1. Where transportation by school bus is impracticable,
2 unavailable, or other existing conditions warrant it, the
3 school board may contract for use of common carriers according
4 to uniform standards established by the director of the
5 department of education and at a cost based upon the actual
6 cost of transportation service and approved by the school
7 board.

8 2. When a school board pays the costs for a student to
9 attend another district under a whole grade sharing agreement
10 pursuant to sections 282.10 through 282.12, the board of the
11 resident district shall provide transportation to and from the
12 school designated for attendance for the student. This
13 section does not apply to students attending school in another
14 district under open enrollment in section 282.18.

15 Sec. 7. Section 285.5, Code 1997, is amended by striking
16 the section and inserting in lieu thereof the following:

17 285.5 CONTRACTS FOR SCHOOL BUS SERVICE.

18 1. Contracts for school bus service with other school
19 districts, nonpublic schools, or private parties shall be in
20 writing and be for the transportation of children attending
21 public or nonpublic school. The contracts shall define the
22 route, duration of the agreement, service contracted for,
23 compensation to be paid, and the vehicle to be used. The
24 contract shall prescribe the duties of the contractor and
25 driver of the vehicles and shall provide that every person in
26 charge of a vehicle conveying children to and from school
27 shall be at all times subject to any rules the school board
28 shall adopt for the protection of the children or to govern
29 the conduct of the persons in charge of the vehicle.

30 2. A contract shall provide that the contractor will sell
31 the transportation equipment to the board should the
32 contractor desire to terminate the contract, provided that the
33 school board desires to purchase the equipment. The price of
34 the equipment sold to the school board shall be determined by
35 an appraisal board composed of one person appointed by the

1 school board, one appointed by the owner of the equipment, and
2 a third person selected by these two.

3 3. The contractor shall operate the vehicle or provide a
4 driver who must be approved by the board. The driver of a
5 vehicle shall be subject to all laws and prescribed standards
6 for school bus drivers. Failure to comply shall constitute
7 grounds for dismissal of the driver or cancellation of the
8 contract if the board so desires.

9 4. Vehicles of transportation provided by the contractor
10 shall be inspected, approved, and certified before being put
11 into operation in the manner provided in section 285.9,
12 subsection 5.

13 5. Contracts for transportation services may be made for a
14 period not to exceed three years. Contracts may be terminated
15 by either party on a ninety-day notice.

16 6. The director of the department of education shall
17 prepare a uniform contract, containing provisions not in
18 conflict with this chapter, which shall be used by all school
19 districts in contracting for transportation service. However,
20 a school board may add to the provisions of the uniform
21 contract.

22 7. All contractors providing school transportation service
23 shall carry liability insurance at least in amounts and kind
24 as provided in the uniform contract.

25 8. Private buses, other than common carriers not used
26 exclusively in transportation of students while under contract
27 to a school district, shall meet construction and operation
28 requirements for school-owned buses.

29 Sec. 8. Section 285.6, Code 1997, is amended by striking
30 the section and inserting in lieu thereof the following:

31 285.6 NONPUBLIC STUDENT TRANSPORTATION.

32 1. Resident students attending a nonpublic school located
33 either within or outside the school district of the student's
34 residence are entitled to transportation on the same basis as
35 provided for resident public school students under this

1 chapter. The public school district may meet the requirements
2 of this section by any of the following:

3 a. Providing transportation services in a school bus
4 operated by the district.

5 b. Contracting with a contiguous public school district, a
6 nonpublic school, or private parties as provided in section
7 285.5. However, contracts shall not provide payment in excess
8 of the average cost per student transported of the school
9 district for that school year.

10 c. Utilizing the parent transportation reimbursement in
11 the manner provided in section 285.3.

12 2. The public school district providing transportation to
13 a nonpublic school student shall determine the days on which
14 bus service is provided, based upon the days for which bus
15 service is provided to public school students. The public
16 school district shall determine bus schedules and routes.

17 3. If the nonpublic school designated for attendance is
18 located within the public school district in which the student
19 is a resident, the student shall be provided transportation in
20 accordance with this section.

21 4. If the nonpublic school designated for attendance is
22 located in a contiguous public school district outside the
23 boundary line of the school district of the student's
24 residence, one of the following may occur:

25 a. The resident district may provide, in district
26 vehicles, transportation from the nonpublic school student's
27 residence to the nonpublic school designated for attendance in
28 the contiguous district.

29 b. A contiguous district may provide transportation
30 service from the nonpublic student's resident, or from a
31 designated point within the boundary of the transporting
32 district, to the designated nonpublic school. The board of
33 the contiguous district providing the transportation shall
34 provide written notice to the nonpublic school student's
35 district of residence, that it is providing the transportation

1 service and it is making the claim for reimbursement for the
2 nonpublic school student's transportation under section 285.7.
3 Transportation by the board of the contiguous district
4 relieves the resident district of any requirement to provide
5 transportation services.

6 c. Transportation outside the boundary of the resident
7 district shall be approved by the area education agency in
8 accordance with section 285.10, subsection 3.

9 5. If the nonpublic school designated for attendance is
10 located in a district that is not contiguous to the resident
11 district, the parent transportation reimbursement provided for
12 in section 285.3, subsection 2, is the only transportation
13 option available to the resident district.

14 Sec. 9. NEW SECTION. 285.7 SUBMISSION AND PAYMENT OF
15 CLAIMS FOR NONPUBLIC STUDENT TRANSPORTATION.

16 1. Boards of directors of school districts are required to
17 provide transportation services to nonpublic school students
18 as provided in section 285.6 when the general assembly
19 appropriates funds to the department of education for the
20 payment of claims for transportation costs submitted by the
21 school districts.

22 2. There is appropriated from the general fund of the
23 state to the department of education funds sufficient to pay
24 the approved claims of public school districts for
25 transportation services to nonpublic school students as
26 provided in this section. The amount paid for an approved
27 claim, based upon the moneys appropriated for approved claims,
28 shall be determined under section 285.3, subsection 2.

29 3. The costs of providing transportation to nonpublic
30 school students as provided in section 285.6 shall not be
31 included in the computation of district cost under chapter
32 257, but shall be shown in the budget as an expense from
33 miscellaneous income. Transportation reimbursements received
34 by a school district for transporting nonpublic school
35 students shall not affect district cost limitations of chapter

1 257. The reimbursements provided in this section are
2 miscellaneous income as defined in section 257.2.

3 4. a. The board of the public school district providing
4 transportation to nonpublic students or transportation
5 reimbursement to parents of nonpublic school students during a
6 school year shall make a claim for reimbursement to the
7 department of education on a form prescribed by the
8 department, and the claim shall state the services provided
9 and the actual costs incurred. A claim for a student shall
10 not exceed the average cost per student transported of the
11 resident district for the school year in which the
12 transportation is provided except as otherwise provided in
13 this section.

14 b. School boards shall submit claims for reimbursement to
15 the department of education by January 31 and July 15 of each
16 school year, accompanied by an affidavit of an officer of the
17 public school district affirming the accuracy of the claim.
18 The department of education shall certify to the department of
19 revenue and finance the amounts of approved claims to be paid,
20 and the department of revenue and finance shall draw warrants
21 payable to school districts that have established claims.

22 5. a. A parent or legal guardian of a student attending
23 an accredited nonpublic school, who furnishes transportation
24 for the student pursuant to section 285.3 and meets the
25 requirements of paragraph "b", is entitled to reimbursement
26 equal to an amount calculated under the provisions of section
27 285.3, subsection 2. In addition, parents or guardians who
28 transport one or more family members more than four miles to
29 their nonpublic schools of attendance shall be entitled to one
30 supplemental mileage payment per family, per claim period,
31 equal to fifteen percent of the parental reimbursement amount,
32 rounded to the nearest whole dollar, when calculated under the
33 provisions of section 285.3, subsection 2.

34 b. To qualify for parental reimbursement under paragraph
35 "a", a parent or guardian of a student attending a nonpublic

1 school, who furnishes transportation for the student pursuant
2 to section 285.3, shall submit a claim for reimbursement to
3 the resident public school district, notifying the district
4 that the student is enrolled and attending a nonpublic school.
5 Claims for reimbursement shall be filed with the district by
6 December 1 and May 1 annually and shall include the name, age,
7 and grade level of the student, and the name of the nonpublic
8 school and its location. The district shall submit claims for
9 reimbursement to the department of education on behalf of the
10 parent or guardian if the parent or guardian meets the
11 requirements of this section.

12 Sec. 10. Section 285.8, Code 1997, is amended by striking
13 the section and inserting in lieu thereof the following:

14 285.8 AVERAGE COST PER STUDENT TRANSPORTED -- CALCULATION.

15 The average cost per student transported for a school year
16 shall be determined by calculating the actual cost for all
17 children transported in the state in public school buses for
18 that school year. It shall include one-seventh of the
19 original net cost of the bus and other items, as determined
20 and approved by the director of the department of education,
21 but no part of the capital outlay cost for school buses and
22 transportation equipment for which the school district is
23 reimbursed from state funds or that portion of the cost of the
24 operation of a school bus used in transporting students to and
25 from extracurricular activities shall be included in
26 determining the average cost per student transported.

27 Sec. 11. Section 285.9, Code 1997, is amended by striking
28 the section and inserting in lieu thereof the following:

29 285.9 POWERS AND DUTIES OF THE DEPARTMENT OF EDUCATION.

30 The department shall:

31 1. Employ the necessary qualified personnel to implement
32 this chapter. The appropriation provided by this chapter may
33 be expended in part for salaries and necessary traveling
34 expenses incurred by personnel in the performance of their
35 official duties pursuant to this chapter.

- 1 2. Exercise general supervision over the school
2 transportation system in the state.
- 3 3. Establish uniform standards and rules for the
4 administration of this chapter, including:
 - 5 a. Protection of the health and safety of the students
6 transported.
 - 7 b. Efficient operation and maintenance of school
8 transportation vehicles.
 - 9 c. Minimum construction standards for school
10 transportation vehicles.
 - 11 d. Procedures for purchase of school transportation
12 vehicles.
 - 13 e. Locating, establishing, and operating school bus
14 routes.
 - 15 f. Procedures for transporting persons other than
16 students.
 - 17 g. Qualifications of school bus drivers, including, but
18 not limited to, a requirement that school bus drivers present
19 an annual certificate of physical fitness before being
20 permitted to operate a vehicle transporting children to and
21 from school.
- 22 4. Review and establish the locations of bus routes
23 located in more than one area education agency when the area
24 education agency boards of the affected area education
25 agencies after formal action do not reach an agreement.
- 26 5. Inspect or cause to be inspected annually, in
27 accordance with rules established by the department, vehicles
28 used as school buses to determine if the vehicles meet legal
29 and established standards of construction and can be operated
30 with safety, comfort, and economy. When it is determined that
31 use of a vehicle is dangerous to the students transported and
32 to the safety and welfare of the traveling public, the
33 department of education shall order the vehicle to be
34 withdrawn from further use on a specified date. School buses
35 that do not conform to the requirements of the department of

1 education may be issued temporary certificates of operation by
2 the department if the school buses can be operated safely and
3 if the certificate is issued for a period of not more than one
4 year. Equipment may be required to be altered, or safety
5 equipment added, in order to make vehicles reasonably safe for
6 operation. New school buses shall, after initial inspection
7 and approval, be issued an original seal of inspection, which
8 shall be placed in the lower right hand corner of the
9 windshield and shall remain in that position throughout the
10 service life of the bus. In addition, after each inspection,
11 an annual seal of inspection and approval shall be issued and
12 also placed in the lower right hand corner of the windshield
13 of the bus.

14 6. Aid in the enforcement of the motor vehicle laws
15 relating to the transportation of school children.

16 7. Review transportation arrangements pursuant to law and
17 disapprove any arrangements which are not in conformity with
18 the law and established standards, and require that
19 transportation arrangements be brought into conformity.

20 8. Conduct schools of instruction for transportation
21 personnel as needed or requested.

22 Sec. 12. Section 285.10, Code 1997, is amended by striking
23 the section and inserting in lieu thereof the following:

24 285.10 POWERS AND DUTIES OF AREA EDUCATION AGENCY BOARDS.

25 The area education agency boards shall:

26 1. Assist in the enforcement of laws and rules of the
27 department of education relating to transportation.

28 2. Review and approve transportation arrangements between
29 districts in the agency. If transportation arrangements,
30 designations, and contracts are not in conformity to law or
31 established uniform standards for the locating and operating
32 of bus routes, the agency board shall, after receiving all
33 facts, make such alterations or changes as necessary to make
34 the arrangements, designations, and contracts conform to the
35 legal and established requirements and shall notify the

1 affected district board of any action.

2 3. Approve bus routes outside the boundary of the school
3 district operating buses.

4 4. When a school board fails to make designations and
5 other necessary arrangements for transportation as required by
6 law, and after due notice to the school board, make necessary
7 arrangements in conformity with law and established
8 requirements. Notice shall be given to the school board of
9 the arrangements made. The arrangements shall be binding on
10 the school board, which shall pay the costs for service as
11 arranged.

12 Sec. 13. Section 285.11, Code 1997, is amended by striking
13 the section and inserting in lieu thereof the following:

14 285.11 POWERS AND DUTIES OF SCHOOL BOARDS.

15 The board of directors of a district shall:

16 1. Provide transportation for each resident student who
17 attends public or nonpublic school and is entitled to
18 transportation under this chapter.

19 2. Establish, maintain, and operate bus routes for the
20 transportation of students to provide for economical and
21 efficient operation without duplication of facilities, and
22 properly safeguard the health and safety of the students
23 transported.

24 3. Notwithstanding subsection 1, school boards in their
25 discretion may do the following:

26 a. Provide transportation for some or all resident
27 students attending public school or nonpublic schools who are
28 not entitled to transportation.

29 b. Charge a fee of not more than the district's average
30 cost per student transported for the school year in which the
31 transportation is provided for each student transported under
32 paragraph "a" for the year in which transportation is provided
33 under this subsection.

34 c. Transport nonresident students attending public or
35 nonpublic school who are not entitled to free transportation

1 if the school board collects a fee equal to the district's
2 average cost per student transported.

3 d. Transport senior citizens, children, persons with
4 disabilities, and other persons and groups who are not
5 otherwise entitled to free transportation. However, the board
6 shall collect the actual cost of the transportation provided
7 under this paragraph. Transportation under this paragraph
8 shall not be provided when the school bus is being used to
9 transport students to or from school unless the board
10 determines that such transportation is desirable and will not
11 interfere with or delay the transportation of students.

12 e. Furnish a school bus and the services of a qualified
13 driver to the following:

14 (1) An organization of, or an organization sponsoring
15 activities for, senior citizens, children, persons with
16 disabilities, or other persons and groups in this state.

17 (2) Persons other than students, for transportation to
18 activities in which students from the school district are
19 participants, or are attending, and for which the school
20 district is a sponsor.

21 (3) The board shall charge and collect an amount
22 sufficient to reimburse all costs of transportation provided
23 to persons or groups under this paragraph except when the bus
24 is used for transporting students to and from extracurricular
25 activities sponsored by the school. A school bus shall be
26 used as provided in this subsection only at times when it is
27 not needed for transportation of students.

28 4. Purchase liability insurance and other insurance
29 coverage the board deems advisable to insure the school
30 district, its officers, employees, and agents against
31 liability incurred as a result of operating school buses,
32 including but not limited to liability to students or other
33 persons lawfully transported. Section 670.7 shall apply to
34 the insurance.

35 5. Employ drivers and other employees as necessary,

1 prescribe their qualifications, and adopt rules for their
2 conduct.

3 6. Purchase, or lease, and maintain transportation
4 facilities.

5 7. Purchase or lease school buses as follows:

6 a. Prepare separate body and chassis specifications except
7 when the bus is constructed as an integral unit, inseparable
8 as to body and chassis, by the manufacturer, or when the bus
9 is a used or demonstrator bus.

10 b. Request competitive bids on comparable equipment on
11 school bus body and chassis purchases based upon minimum
12 construction standards established by the department of
13 education. Separate body and chassis bids shall be requested
14 unless the bus is constructed as an integral unit, inseparable
15 as to body and chassis, by the manufacturer, or when the bus
16 is a used or demonstrator bus.

17 c. Pay for buses from funds available in the school's
18 general operating fund or physical plant and equipment fund.

19 d. Enter into a contract to pay for buses over a five-year
20 period as follows: one-fifth of the cost when the bus is
21 delivered and the balance in equal annual installments, plus
22 simple interest due. The interest rate shall be the lowest
23 rate available and shall not exceed the rate in effect under
24 section 74A.2. The bus shall serve as security for balance
25 due.

26 8. Suspend transportation service due to weather or road
27 conditions. Transportation service may be suspended on a day
28 or days, due to inclemency of the weather, conditions of
29 roads, or the existence of other conditions, when in the
30 school board's judgment it is deemed advisable and when the
31 school or schools are closed to all children.

32 9. Except for teachers under contract with the school
33 board, establish employment contracts with bus drivers,
34 including temporary or substitute drivers, for school-owned
35 equipment. The director of the department of education shall

1 prepare a uniform contract containing provisions not in
2 conflict with this chapter which shall be used by all school
3 boards in contracting with drivers of school-owned vehicles.
4 Additional contract provisions may be included as determined
5 by the board of directors.

6 Sec. 14. Section 285.12, Code 1997, is amended by striking
7 the section and inserting in lieu thereof the following:

8 285.12 BUS ROUTES -- BASIS OF OPERATION.

9 The establishment and operation of bus routes and the
10 contracts for transportation shall be based upon the following
11 considerations:

12 1. Each bus route shall be planned and adjusted to
13 utilize, as well as can reasonably be expected, the normal
14 seating capacity of each bus. Districts are not required to
15 maintain seating space on school buses for students who do not
16 or will not regularly utilize the district's transportation
17 service for extended periods during the school year. The
18 student, or the student's parent or legal guardian if the
19 student is less than eighteen years of age, shall be notified
20 by the board of the district before transportation services
21 are suspended, and the suspension may continue until the
22 student, or the student's parent or legal guardian, notifies
23 the district that regular student ridership will continue.

24 2. Each board shall cause each bus route to be reviewed
25 annually for safety hazards.

26 3. Bus routes shall be established only to give service to
27 properly entitled or designated students.

28 4. Each bus route shall serve only those students living
29 in those areas where transportation by bus is the most
30 economical method for providing adequate transportation
31 facilities to properly designated students.

32 5. Special contracts for transportation of students
33 entitled to transportation shall be entered into only when it
34 is more economical to do so than to provide transportation by
35 regular bus route, or when, by reason of physical or mental

1 disability of a student, the student cannot be transported
2 safely by bus.

3 6. A route shall not be extended for the purpose of
4 accommodating students whose homes are nearer another bus
5 route.

6 7. A bus shall not leave the public highway for the
7 purpose of receiving or discharging students, unless the
8 students' safety is enhanced or the private roadway is
9 maintained in the same manner as a public roadway.

10 8. The use of school buses is restricted to the following:

11 a. Transporting students to and from school.

12 b. Transportation to and from extracurricular activities
13 sponsored by the school when the activity is under the
14 direction of a qualified member of the faculty and a part of
15 the regular school program.

16 c. Transportation of other persons to the extent permitted
17 by section 285.11, subsection 3.

18 d. Transporting school employees to and from school and
19 approved activities they are required to attend as a result of
20 their responsibilities.

21 e. Transporting a school teacher to and from the teacher's
22 school when the school is on an established school bus route
23 and the teacher makes arrangements with the district operating
24 the school bus.

25 Sec. 15. Section 285.13, Code 1997, is amended by striking
26 the section and inserting in lieu thereof the following:

27 285.13 DISPUTES -- HEARINGS AND APPEALS.

28 1. If there is a disagreement between a school patron and
29 the board of the school district, the patron, if dissatisfied
30 with the decision of the district board, may appeal the
31 decision to the area education agency board, notifying the
32 secretary of the district in writing within ten days of the
33 decision of the board and by filing an affidavit of appeal
34 with the agency board within the ten-day period. The
35 affidavit of appeal shall include the reasons for the appeal

1 and points at issue.

2 2. On receiving notice of appeal, the secretary of the
3 district shall certify all related exhibits and documents to
4 the agency board, which shall hear the appeal within ten days
5 of the receipt of the related exhibits and documents and
6 decide it within three days of the conclusion of the hearing
7 and shall immediately notify all parties of its decision.

8 3. Either party may appeal the decision of the agency
9 board to the state board of education as provided by section
10 290.1. Pending final order made by the state board, upon any
11 appeal prosecuted to the state board, the order of the agency
12 board from which the appeal is taken shall be operative and be
13 in full force and effect.

14 Sec. 16. Section 285.14, Code 1997, is amended by striking
15 the section and inserting in lieu thereof the following:

16 285.14 DISAGREEMENTS BETWEEN BOARDS.

17 If there is a disagreement between the board of a school
18 district and the board of an area education agency, the board
19 of the school district may appeal to the state board of
20 education as provided by 290.1.

21 Sec. 17. Section 285.15, Code 1997, is amended by striking
22 the section and inserting in lieu thereof the following:

23 285.15 NONSTANDARD BUSES -- PENALTIES.

24 A person who operates or permits the operation of a vehicle
25 as a school bus to transport students, that does not comply
26 with the requirements of law or with the rules of the
27 department of education, or for which there is not a valid
28 temporary certificate for operation, is guilty of a simple
29 misdemeanor.

30 Sec. 18. Section 285.16, Code 1997, is amended by striking
31 the section and inserting in lieu thereof the following:

32 285.16 FAILURE TO COMPLY WITH CHAPTER -- PENALTIES.

33 Failure of a school district to comply with the provisions
34 of this chapter, or any other laws relating to the
35 transportation of students, or any rules made by the

1 department of education under this chapter, or the final
2 decisions of the area education agency board, or the final
3 decisions of the department of education, shall, during the
4 period the failure to comply exists, forfeit any entitlement
5 to collect transportation costs from schools or parents. A
6 superintendent, board, or board member who knowingly operates
7 or permits to be operated a school bus transporting public
8 school students in violation of a school transportation law is
9 guilty of a simple misdemeanor.

10 Sec. 19. Section 321.18, subsection 7, Code 1997, is
11 amended to read as follows:

12 7. Any school bus in this state used exclusively for the
13 transportation of pupils to and from school or a school
14 function or for the purposes provided in section ~~285.17~~
15 ~~subsection 17~~ 285.2 and section ~~285.10~~ 285.11, subsection 9 3,
16 or used exclusively for the transportation of children
17 enrolled in a federal head start program. Upon application
18 the department shall, without charge, issue a registration
19 certificate and shall also issue registration plates which
20 shall have imprinted thereon the words "Private School Bus"
21 and a distinguishing number assigned to the applicant. Such
22 plates shall be attached to the front and rear of each bus
23 exempt from registration under this subsection.

24 Sec. 20. Section 331.502, subsection 22, Code 1997, is
25 amended by striking the subsection.

26 EXPLANATION

27 This bill rewrites the school transportation chapter of the
28 Iowa Code. The bill updates language and reorganizes current
29 Code provisions and sections in chapter 285, but with few
30 exceptions, makes no substantive changes in the current
31 provisions and sections of chapter 285.

32 279.48(2), 282.18(10), and 321.18(7): Make conforming Code
33 references changes.

34 285.1: Adds definitions to the chapter, including "average
35 cost per student transported", which replaces the term "pro

1 rata cost". The bill omits a provision relating to a district
2 operating transportation equipment when the district closes
3 elementary and high school facilities. The bill also omits a
4 provision relating to the failure of a district to pay another
5 district for services. Provision is made in the chapter for
6 dispute resolution.

7 285.3: Changes the rate of reimbursement for
8 transportation provided by parents to meet a bus on the route
9 to a rate based upon the annual optional standard mileage rate
10 approved by the United States Internal Revenue Service for the
11 allowable personal income tax mileage expense determined in
12 accordance with 26 U.S.C. § 274(d), which for 1997 is 31.5
13 cents per mile.

14 285.7: Changes the formula for calculating a supplemental
15 payment for a parent or guardian transporting a student more
16 than four miles to a nonpublic school. Currently, section
17 285.3 provides a formula based upon all of the base payments
18 made to parents or guardians of nonpublic school students
19 under section 285.3 and section 285.1, subsection 3. The bill
20 provides that a parent or guardian is entitled to a
21 supplemental payment equal to 15 percent of the parent or
22 guardian's base reimbursement amount. The section also
23 requires parents or guardians to submit claims for
24 reimbursement to a school district by December 1 and May 1,
25 and requires the school districts to submit the claims to the
26 department by January 31 and July 15. A deadline by which the
27 department is required to certify the amount of the claims to
28 the department of revenue and finance is removed.

29 285.8: Establishes the means for calculating the average
30 cost per student transported, and omits current Code language
31 that allows a district in unusual circumstances to charge in
32 excess of the actual operating cost of a bus route used to
33 furnish transportation to nonresident students.

34 285.9: Directs the department of education to carry out
35 the provisions of chapter 285 relating to the transportation

1 of nonpublic school students.

2 331.502(22): Strikes a provision ordering the treasurer of
3 state to transfer transportation service fees from a debtor
4 school to a creditor school.

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